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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,579	01/30/2002	Helmut Bentivoglio	P6602.4US	1940
7590	10/15/2003		EXAMINER	
Gudrun E. Huckett, Ph.D. P.O. Box 3187 Albuquerque, NM 87190-3187			POLK, SHARON A	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 10/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/062,579	BENTIVOGLIO, HELMUT	
	Examiner	Art Unit	
	Sharon Polk	2836	MAY

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 August 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9,11,12,14-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9,11,12,14-16,19 and 22 is/are rejected.
- 7) Claim(s) 18,20,21,23 and 24 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

1. The indicated allowability of claims 19, and 22 is withdrawn in view of the newly discovered reference(s) Gold and Reinicke. Rejections based on the newly cited reference(s) follow.

The examiner notes that an examiner's amendment is not proper since the application is not in condition for allowance. Therefore, the claims with improper dependency have been objected to. See below.

### ***Claim Objections***

2. Claims 11, 12, and 14 are objected to because of the following informalities: claims 11 and 12 depend from cancelled claim 10. Claim 14 depends from cancelled claim 13. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-5, 11, 12, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gold, US 6,100,603, in view of Reinicke, US 5,375,811.**

With regard to claim 1, Gold teaches an actuator for a release device of a motor vehicle (fig. 1), comprising:

a control (2) acting on the release device (7);  
at least one actuator element (6) configured to send a signal wireless to the control for triggering a release action of the release device;  
wherein the control comprises at least one antenna (18);  
an oscillator, wherein the antenna is part of the oscillator (6:56);  
Gold lacks the teaching of a rectifier arranged downstream of the oscillator, wherein the output signal of the rectifier is supplied to a comparator. However, Reinicke teaches the claimed features (e.g., fig 6). One of ordinary skill in the art at the time of the invention would have been motivated to modify Gold with the rectifier, oscillator, and comparator arrangement as taught by Reinicke for the purpose of substantially reducing susceptibility to false, i.e., unwanted operation (1:38-40).

With regard to claim 3, Gold teaches or fairly suggests the actuator comprising a passive receiver, wherein the actuator element is part of the passive receiver (fig. 2).

With regard to claim 4, Gold teaches or fairly suggests a passive receiver comprises a passive antenna (e.g., figs. 1, 2).

With regard to claim 5, Gold teaches or fairly suggest the passive antenna is planar (e.g., figs. 1, 2).

With regard to claim 11, Gold teaches or fairly suggests the antenna is planar (e.g., figs. 1, 2).

With regard to claim 12, Gold teaches or fairly suggests that the antenna is configured to have energy drawn when the actuator is actuated (e.g., figs. 1, 2, 3:52-4:15).

With regard to claim 22, Reinicke teaches or fairly suggests the output signal of the comparator is employed for the release action (e.g., fig. 6). One of ordinary skill in the art at the time of the invention would have been motivated to modify Gold with the rectifier, oscillator, and comparator arrangement as taught by Reinicke for the purpose of substantially reducing susceptibility to false, i.e., unwanted operation (1:38-40).

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gold, and Reinicke, and further in view of Desatoff, US 5,694,115.**

With regard to claim 2, Gold and Reinicke teach the claimed invention, but lack the teaching of a momentary contact push-button. However, Desatoff teaches this feature (42-46). One of ordinary skill in the art at the time of the invention would have been motivated to further modify Gold with the push-button as taught by Desatoff because battery power is conserved by having an actuator immediately return to its off position, while sending a signal to perform the desired function (4:40-53).

**Claims 6-8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gold, and Reinicke, and further in view of Gnadinger et al. (Gnadinger), US 6,268,796.**

With regard to claims 6 and 8, Gold as modified by Reinicke teach the claimed invention except for the antenna arranged in a resonance circuit, or a compensating element. However, these features are taught or fairly suggested by Gnadinger et al.

(e.g., abstract, 6:1-19). One of ordinary skill in the art at the time of the invention would have been motivated to further modify Gold to incorporate the teachings of Gnadinger for the purpose of providing an improved antenna useful in a passive radio frequency identification device transponder (1:9-11).

With regard to claim 7, official notice is taken that actuating an actuator either closes or opens a circuit. It would have been obvious to one of ordinary skill in the art at the time of the invention to close the circuit to complete the path for the purpose of balancing the circuit.

**Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gold, Reinicke, and Gnadinger, and further in view of Palmer et al., (Palmer). US 5,942,977.**

With regard to claim 9, Gold as modified by Reinicke, and Gnadinger teach the claimed invention except for two parallel capacitors as compensating elements. However, this feature is taught or fairly suggested by Palmer (fig. 1). One of ordinary skill in the art at the time of the invention would have been motivated to further modify Gold to incorporate the teachings of Palmer for the purpose of providing a transponder with transmits by re-radiating a harmonic frequency of a broadcasted carrier frequency and which contains circuitry for suppressing unwanted emissions of that harmonic frequency while not transmitting (2:50-54).

**Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gold as modified by Reinicke, and further in view of Matsuhashi et al., (Matsuhashi), US 5,541,588.**

With regard to claims 14-17, Gold as modified by Reinicke teach the claimed invention except for the actuator comprising a transistor (switching element), quartz. These features art taught or fairly suggested by Matsuhashi et al. (42, 43, 54, 55). One of ordinary skill in the art at the time the invention was made would have been motivated to further modify Gold to incorporate the teachings of Matsuhashi et al. for the purposes of preventing radio interference among the same devices as well as other radio waves by using very weak radio wave (sic) for a short distance as a transmission medium, and to provide a control signal transfer device which is economical and easy to use (2:24-29).

**Claim 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gold as modified by Reinicke, and further in view of Cividino et al. (Cividino), US 5,869,969.**

With regard to claim 19, Gold as modified by Reinicke teach the claimed invention except for the temperature compensating member. However, Cividino teaches that this feature is known (1:54-62). One of ordinary skill in the art at the time the invention was made would have been motivated to further modify Gold with the disclosure of Cividino for the purpose of regulate the output voltage of the rectifier (1:54-62).

***Allowable Subject Matter***

4. Claims 18, 20, 21, 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach or fairly suggest the output of the oscillator is reduced and supplied to the comparator in combination with the recited elements of claim 1. Further the prior art of record does not teach or fairly suggest the comparator compares the output signal of the rectifier with a regulator signal in combination with the recited elements of claim 1. With regard to claim 23, the claimed feature of the coupling point formed by a capacitor in combination with the additional recited elements is not taught or fairly suggested.

***Prior Art***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 4,325,058 discloses similar aspects of the claimed invention.

***Communication with the PTO***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Polk whose telephone number is 703-308-6257. The examiner can normally be reached on M-F 7-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 703-308-3119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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BRIAN SIRCUS  
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